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RULE 63 (37 CFR § 1.63)  
DECLARATION  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled LOW PROFILE OPTICAL HEAD, the specification of which has been prepared and filed on March 31, 2000, receiving Serial No. 09/540,657, and further identified as Attorney File No. 4154-9-CIP.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

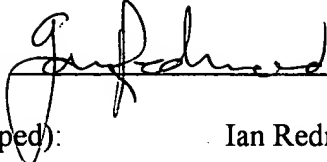
Prior Foreign Application(s)			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
09/457,104	December 7, 1999	pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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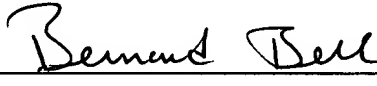
(1) Inventor's Signature  Date 7/18/00  
Inventor's Name (typed): Ian Redmond

Citizenship: United Kingdom

Residence: 2065 Floral Drive  
Boulder, Colorado 80304

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(2) Inventor's Signature  Date 18 July 2000

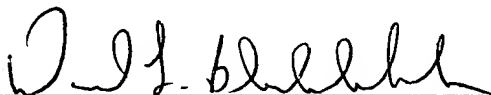
Inventor's Name (typed): Bernard Bell

Citizenship: United States

Residence: 9920 Phillips Road  
Lafayette, Colorado 80026

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(3) Inventor's Signature  Date 19 July 2000

Inventor's Name (typed): David L. Blankenbeckler

Citizenship: United States

Residence: 2141 Ridgeview Way  
Longmont, Colorado 80501

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

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(4) Inventor's Signature Michael F. Braitberg Date 7/18/00

Inventor's Name (typed): Michael F. Braitberg

Citizenship: United States

Residence: 440 Broken Fence Road  
Boulder, Colorado 80302

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(5) Inventor's Signature Robert D. Freeman Date 7/19/00

Inventor's Name (typed): Robert D. Freeman

Citizenship: United States

Residence: 4747 Anne Place  
Erie, CO 80516

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

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37 CFR §1.56(a) and (b)  
DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

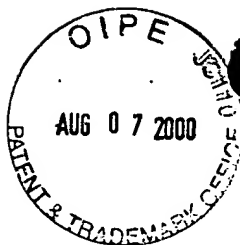
(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."



## POWER OF ATTORNEY

On behalf of DataPlay, Inc., a Delaware corporation having a principal place of business at 6200 Lookout Road, Boulder, Colorado 80301 being the assignee of and owning all right, title and interest in the invention entitled LOW PROFILE OPTICAL HEAD, for which application for Letters Patent of the United States has been made by Ian Redmond, Bernard Bell, David L. Blankenbeckler, Michael F. Braitberg, and Robert D. Freeman, said application having been filed on March 31, 2000, receiving Serial No. 09/540,657, and further identified as Attorney File No. 4154-9-CIP, I, Steven B. Volk, President of DataPlay, Inc., hereby appoint David F. Zinger, Registration No. 29,127; Craig C. Groseth, Registration No. 31,713; Michael L. Tompkins, Registration No. 30,980; Sabrina C. Stavish, Registration No. 33,374; Todd P. Blakely, Registration No. 31,328; Lewis D. Hansen, Registration No. 35,536; Joseph E. Kovarik, Registration No. 33,005; Gary J. Connell, Registration No. 32,020; Wannell M. Crook, Registration No. 31,071; Douglas W. Swartz, Registration No. 37,739; Bruce A. Kugler, Registration No. 38,942; Robert R. Brunelli, Registration No. 39,617; Richard L. Hughes, Registration No. 31,264; Tejpal S. Hansra, Registration No. 38,172; Dana Hartje Cardwell, Registration No. 40,638; Angela Dallas-Pedretti, Registration No. 42,460; Benjamin B. Lieb, Registration No. 42,801; Bradley M. Knepper, Registration No. 44,189; Theresa A. Brown, Registration No. 32,547; Miriam R. Drickman, Registration No. 42,499; Dennis J. Dupray, Registration No. P-46,299, and Todd M. Petersen, Registration No. 45,580, of SHERIDAN ROSS P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141, telephone number (303) 863-9700, as attorneys and agents for DataPlay, Inc. with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

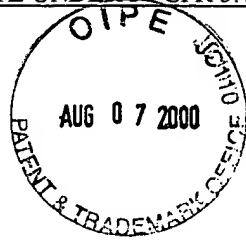
By: 

Steven B. Volk  
President

Dated: 7-18-00

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CERTIFICATE UNDER 37 CFR 3.73(b)



Applicant: Redmond, et al.  
Application No.: 09/540,657  
Filed: March 31, 2000  
For: LOW PROFILE OPTICAL HEAD

DataPlay, Inc., a Delaware corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:
1. From \_\_\_\_\_ to \_\_\_\_\_.  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:   
Steven B. Volk  
President

Date: 7-18-00

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# ASSIGNMENT

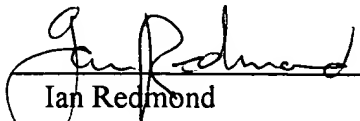
WHEREAS, we, Ian Redmond of 2065 Floral Drive, Boulder, Colorado 80304; Bernard Bell of 9920 Phillips Road, Lafayette, Colorado 80026; David L. Blankenbeckler of 2141 Ridgeview Way, Longmont, Colorado 80501; Michael F. Braitberg of 440 Broken Fence Road, Boulder, Colorado 80302; and Robert D. Freeman of 4747 Anne Place, Erie, CO 80516, have invented a certain new and useful invention entitled LOW PROFILE OPTICAL HEAD, for which an application for Letters Patent of the United States has been prepared and filed on March 31, 2000, receiving Serial No. 09/540,657, and further identified as Attorney File No. 4154-9-CIP;

NOW THEREFORE, be it known that we, the said inventors, for and in consideration of certain good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, at the request of the assignee do sell, assign and transfer unto said assignee, DataPlay, Inc., a Delaware corporation having a place of business at 6200 Lookout Road, Boulder, Colorado 80301, its successors, legal representatives and assigns, the aforesaid application for the territory of the United States of America and all continuation, divisional, continuation-in-part and reissue applications, all patent applications in foreign countries, all applications pursuant to the Patent Cooperation Treaty, and all applications for extension filed or to be filed for the invention, and all Letters Patent, Invention Registrations, Utility Models, Extensions or Reissues and other patent rights, obtained for the invention in the United States or any other country; we also assign any right, title or interest in and to the invention which has not already been transferred to the assignee; we warrant that we have made no assignment of the invention, application or patent therefor to a party other than DataPlay, Inc. and we are under no obligation to make any assignment of the invention, application, or patent therefor to any other party; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent and in confirming assignee's exclusive ownership of the invention, but at the expense of said assignee.

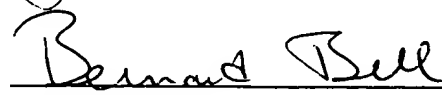
The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment, to DataPlay, Inc., its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereunder.

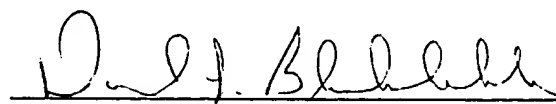
Date: 7/18/00

By:   
Ian Redmond

Date: 7-18-00

By:   
Bernard Bell

Date: 7/19/00

By:   
David L. Blankenbeckler

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Date: 07/18/00

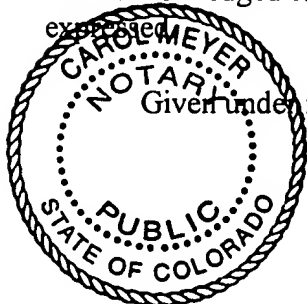
By: Michael F. Braitberg  
Michael F. Braitberg

Date: 7/19/00

By: Robert D. Freeman  
Robert D. Freeman

STATE OF Colorado )  
COUNTY OF Boulder ) ss.

Before me, a Notary Public in and for said County and State, personally appeared Ian Redmond, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.



Given under my hand and seal of office this 18<sup>th</sup> day of July, 2000.

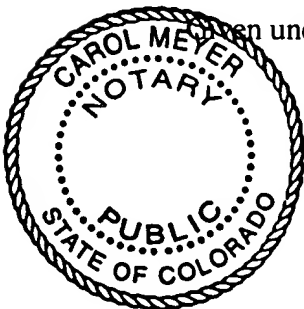
Carol Meyer  
Notary Public

My Commission Expires 07/29/2002

My Commission Expires: 7-29-2002

STATE OF Colorado )  
COUNTY OF Boulder ) ss.

Before me, a Notary Public in and for said County and State, personally appeared Bernard Bell, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.



Given under my hand and seal of office this 18 day of July, 2000.

Carol Meyer  
Notary Public

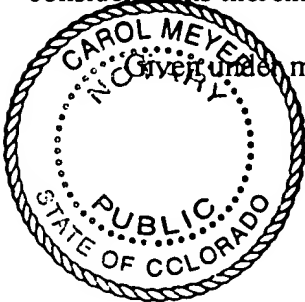
My Commission Expires 07/29/2002

My Commission Expires: 7-29-2002



STATE OF Colorado )  
COUNTY OF Boulder ) ss.

Before me, a Notary Public in and for said County and State, personally appeared David L. Blankenbeckler, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.



Given under my hand and seal of office this 19 day of July, 2000.

Carol Meyer  
Notary Public

My Commission Expires: 7-29-2002

My Commission Expires 07/29/2002

STATE OF Colorado )  
COUNTY OF Boulder ) ss.

Before me, a Notary Public in and for said County and State, personally appeared Michael F. Braitberg, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 18<sup>th</sup> day of July, 2000.

Carol Meyer  
Notary Public

My Commission Expires: 7-29-2002



My Commission Expires 07/29/2002

#3

STATE OF Colorado )  
COUNTY OF Boulder ) ss.

Before me, a Notary Public in and for said County and State, personally appeared Robert D. Freeman, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

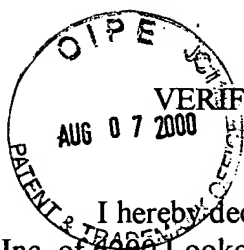
Given under my hand and seal of office this 19 day of July, 2000.

Carol Meyer  
Notary Public

My Commission Expires: 7-29-2002



My Commission Expires 07/29/2002



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

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I hereby declare that I am an official empowered to act on behalf of the small business concern, DataPlay, Inc. of 6200 Lookout Road, Boulder, Colorado 80301.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled LOW PROFILE OPTICAL HEAD and identified as Attorney File No. 4154-9-CIP, described in application Serial No. 09/540,657, filed on March 31, 2000.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

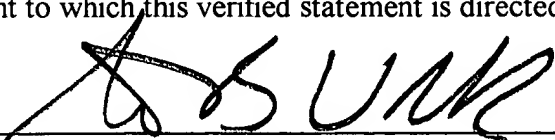
\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 7-18-00

By:   
Steven B. Volk  
President  
6200 Lookout Road  
Boulder, Colorado 80301